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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MARY E. D'ANDREA, CLE
Per _____
Deputy Clerk

RICKEY A. BECHTEL,

Plaintiff,

vs.

No. 1:01-CV-789

DANIEL VIRTUE, Business Agent of the
International Brotherhood of Teamsters;
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS; LOCAL 776,
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS; and ABF FREIGHT
SYSTEM, INCORPORATED,

Judge Sylvia H. Rambo

Defendants.

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56(b) of the Federal Rules of Civil Procedure, the Defendants, Daniel Virtue, the International Brotherhood of Teamsters, and the International Brotherhood of Teamsters Local Union No. 776, respectfully move for Summary Judgment in Defendants' favor in that there are no genuine issues as

to any material fact and, as such, Defendants are entitled to a judgment as a matter of law, as demonstrated by the following:

1. The Answer filed by Defendant;
2. The Complaint filed by Plaintiff;
3. Defendants' Statement of Undisputed Material Facts attached hereto in which there is no genuine issue as to any material fact to be tried; and
4. The reasons set forth in the Defendants' Brief in Support of their Motion for Summary Judgment.

Defendants accordingly requests the Court to enter an Order:

- A. Granting Defendants' Motion for Summary Judgment in its entirety; and
- B. Awarding costs and counsel fees to the Defendants and any other relief the Court deems appropriate.

Respectfully Submitted,

IRA H. WEINSTOCK, P.C.
800 North Second Street
Harrisburg, PA 17102
Phone: 717-238-1657

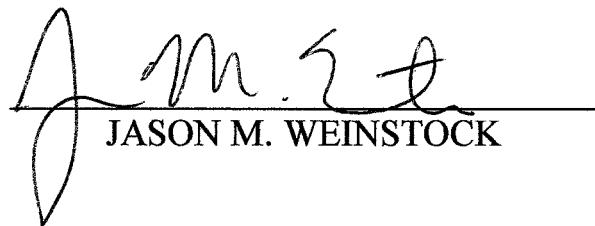
By: Ira H. Weinstock
IRA H. WEINSTOCK
Attorney I.D. No. 01602

By: Jason M. Weinstock
JASON M. WEINSTOCK
Attorney I.D. No. 69272

CERTIFICATE OF NON-CONCURRENCE AND CONCURRENCE

I, Jason M. Weinstock, Esquire certify that I spoke with Mary Walsh, Esquire, attorney for Defendant ABF, and she does not object to the attached Motion for Summary Judgment.

I, Jason M. Weinstock, Esquire, certify that I spoke with Plaintiff's attorney, Robert S. Mirin, Esquire and that Mr. Mirin does not concur in the attached Motion for Summary Judgment.



JASON M. WEINSTOCK

A handwritten signature in black ink, appearing to read "J.M.W." followed by a stylized surname. Below the signature, the name "JASON M. WEINSTOCK" is printed in a standard, sans-serif font.

CERTIFICATE OF SERVICE

I, Ira H. Weinstock, Esquire, hereby certify that upon the date stated below, I served the attached Defendants', Daniel Virtue, the International Brotherhood of Teamsters and International Brotherhood of Teamsters Local Union No. 776, Motion for Summary Judgment upon the persons named below, at the stated addresses, by first class postage paid United States mail.

Robert S. Mirin, Esquire
AHMAD & MIRIN
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James A. McCall, Esquire
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Ira H. Weinstock
IRA H. WEINSTOCK

Dated: April 15, 2002